

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Jacalyn M. Born-Fisher,

Plaintiff,

v.

Case No. 08-15172

Commissioner of Social Security,

Honorable Sean F. Cox

Defendant.

ORDER
ADOPTING REPORT AND RECOMMENDATION

Jacalyn M. Born-Fisher (“Plaintiff”) filed this action under 42 U.S.C. § 405(g), challenging a final decision of Defendant Commissioner denying her application for benefits. Defendant filed a Motion for Summary Judgment, and Plaintiff filed a Motion for Remand Pursuant to Sentence Four, which were referred to Magistrate Judge Virginia Morgan pursuant to 28 U.S.C. § 636 for issuance of a report and recommendation.

On July 26, 2010, Magistrate Judge Morgan issued her report and recommendation (“R&R”) wherein she recommends that the Court deny Plaintiff’s Motion for Remand and grant Defendant’s Motion for Summary Judgment.

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen days. “The district judge to whom the case is assigned shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge’s disposition to which specific written

objection has been made.” *Id.* A general objection, or one that merely restates the arguments previously presented, is not sufficient to alert the Court to alleged errors on the part of the magistrate judge. *VanDiver v. Martin*, 304 F.Supp.2d 934, 937 (E.D. Mich. 2004).

On August 19, 2010, Plaintiff filed timely¹ objections to Magistrate Judge Morgan’s R&R.

In her objections, Plaintiff asserts that the ALJ erred in not affording her treating psychiatrist’s opinion controlling weight. (*See* Pl.’s Objs. at 2-3). This same argument was presented to, and rejected by, Magistrate Judge Morgan. The Court concurs with Magistrate Judge Morgan’s reasons for rejecting this argument. (*See* R&R at 3-5).

In her objections, Plaintiff also asserts that the ALJ erred in not discussing a letter submitted by Plaintiff’s pastor, Rev. Paul Theiss. (*See* Objections at 3-6). This same argument was also presented to, and rejected by, Magistrate Judge Morgan. The Court concurs with Magistrate Judge Morgan’s reasons for rejecting this argument. (*See* R&R at 5-7).

Accordingly, IT IS ORDERED that Magistrate Judge Morgan’s July 26, 2010 R&R is ADOPTED and Plaintiff’s Objections are OVERRULED.

IT IS FURTHER ORDERED that Plaintiff’s Motion for Remand is DENIED and that Defendant’s Motion for Summary Judgment is GRANTED.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: October 25, 2010

¹Plaintiff requested, and this Court granted, an extension for filing objections.

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_____ /

PROOF OF SERVICE

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 25, 2010, by electronic and/or ordinary mail.

S/Jennifer Hernandez

Case Manager